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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS® (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:
Wilson, et al v. Takeda Pharmaceuticals
USA, Inc., et al
Civil Action No. 6:14-cv-03505

MAGISTRATE JUDGE HANNA

RULING

Magistrate Judge Patrick Hanna has filed a Report and Recommendation [Rec. Doc. 35; MDL Rec. Doc. 6783] in which he recommends this Court dismiss the claims of plaintiff Gloria Wilson, individually and as representative of the estate of Fran Barbara Wilson, without prejudice, due to multiple failures to abide by orders of this court, without justification. For the reasons given below, this Court adopts the Report and Recommendation and dismisses Ms. Wilson's claims without prejudice.

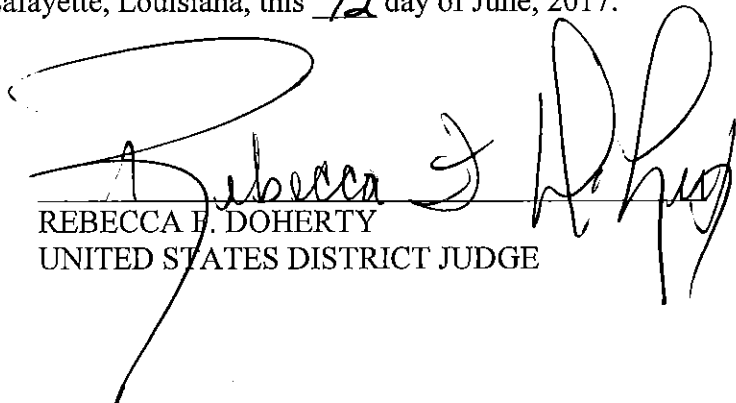
As set out in the Report and Recommendation, Ms. Wilson is currently unrepresented, but was previously represented by Ms. Randi Kassan. Ms. Kassan filed a motion to withdraw as counsel of record [Rec. Doc. 25], asserting counsel and Ms. Wilson disagreed with regard to the further handling of Ms. Wilson's claim. Magistrate Judge Hanna ordered Ms. Wilson and Ms. Kassan to appear in court [Rec. Doc. 26]. Ms. Wilson was served with a copy of the order [Rec. Doc. 28], but did not appear at the hearing, while Ms. Kassan appeared by telephone. Magistrate Judge Hanna granted Ms. Kassan's motion to withdraw, and ordered Ms. Wilson to appear in court a second time or risk a recommendation that her case be dismissed for failure to prosecute [Rec. Doc. 30]. The record reflects Ms. Wilson was served with a certified copy of that order [Rec. Doc. 33], but did not appear as ordered.

Given Ms. Wilson's personal and multiple failures to abide by this Court's orders, and the lack of any justification offered, Magistrate Judge Hanna issued a Report and Recommendation, recommending that this Court dismiss this matter without prejudice [Rec. Doc. 35]. The Clerk of Court mailed the Report and Recommendation by first-class mail to Ms. Wilson's last known address on January 23, 2017. Out of an abundance of caution, the Clerk sent the Report and Recommendation again, this time by certified mail, on May 22, 2017. This Court has made all reasonable efforts to ensure service of these documents has been made for the purpose of granting notice, the period for lodging objections to the Report and Recommendation has run, and no objection has been lodged. It has now been more than four months since the Clerk of Court's initial attempt to serve Ms. Wilson by first-class mail to her last known address, and three weeks since the Clerk attempted service by certified mail to the same address, and there has been no response to either. Consequently, this Court dismisses the claims of Gloria Wilson without prejudice.

IT IS HEREBY ORDERED the claims of Gloria Wilson, individually and as representative of the Estate of Fran Barbara Wilson, are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED a copy of this Ruling be served on Gloria Wilson at her last known address, 1600 O Highway 522, Union Church, MS 39662, *via* certified mail, return receipt requested.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 12 day of June, 2017.


REBECCA E. DOHERTY
UNITED STATES DISTRICT JUDGE